

Retrial set for man convicted in Rachel Burkheimer killing

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By Diana Hefley, Herald Writer



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EVERETT — A man serving a life sentence for the kidnapping and killing of Rachel Burkheimer is back in the Snohomish County Jail and scheduled to be retried later this year.

Burkheimer was shot to death in 2002 by a band of young criminals led by her ex-boyfriend, John Phillip “Diggy” Anderson. She was lured to a south Everett duplex, bound and beaten. Burkheimer, 18, was stuffed into a duffle bag and driven out to Reiter Road in east Snohomish County. Anderson forced her to lie down in the grave the kidnappers had dug and then shot her.

Anderson is serving **a life sentence**. Another man, John Alan Whitaker, also was sentenced to life behind bars after being **convicted of murder in 2004**.

Nine years later the state Court of Appeals overturned Whitaker's conviction and granted him a new trial, citing new case law decided since his trial.

During Whitaker's aggravated murder trial the courtroom was temporarily closed to spectators while six prospective jurors were questioned individually about their ability to hear evidence in the case. Although the courtroom was open to the public the rest of the time, Whitaker's attorneys successfully argued he was deprived of a public trial.

Snohomish County prosecutors **learned in March** that the state Supreme Court had declined to review their appeal.

Whitaker, 34, had been serving his life sentence at the Washington State Reformatory in Monroe until late last week. He has been behind bars since his arrest in late 2002.

Snohomish County deputy prosecutor Julie Mohr on Thursday successfully petitioned a judge to order that Whitaker remain in the jail without the chance to post bail.

The new trial is scheduled for November.

Lawyers are expected to meet again this summer to determine if that is a realistic date. The case has been assigned to Superior Court Judge Linda Krese. She presided over his trial in 2004.

Whitaker was one of eight people charged and convicted in connection with Burkheimer's slaying. He is accused of helping bind, hide and move her. Prosecutors also alleged that he helped dig her grave and robbed her. Witnesses testified that Whitaker helped bury her and destroyed evidence of the killing.

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